

## **REMARKS**

Claims 1 through 30 are pending in the application. Claims 1, 9, 17, 25 and 30 are the independent claims. Claims 1, 9, 10, 17, and 30 have been amended. No new matter has been added.

Claims 1 through 8, 17 through 24 and 30 are objected to because of claim informalities. Claims 1, 2, 9, 10, 25 through 27, and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,778,422 to Genduso et al.. Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,778,422 to Genduso et al. Claims 3 through 5, 11 through 13, 19 through 21, 28, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Genduso et al. (U.S. Patent No. 5,778,422) and to Csoppenszky (U.S. Patent No. 5,802,422). Claims 6, 7, 14, 15, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Genduso et al., Csoppenszky, and U.S. Patent No. 6,314,561 to Funk et al. Applicant respectfully requests that the above-identified application be reconsidered in view of the following remarks.

### **Claim Objections**

Claims 1 through 8, 17 through 24 and 30 are objected to because of claim informalities. Claims 1, 17 and 30 have been amended as suggested by the Examiner to overcome the objection. Therefore, Applicant believes the objection is overcome and respectfully requests the objection be withdrawn.

**The 35 U.S.C. § 102 Rejection**

Claims 1, 2, 9, 10, 25 through 27, and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,778,422 to Genduso et al. Applicant respectfully traverses this rejection.

Claim 1 recites: "...providing an instruction to access valid data in a cache and to indicate that a line storing the valid data in the cache is a candidate for replacement by reducing an importance level of the line after the valid data is accessed." (Emphasis added).

The Examiner states:

Genduso et al. teaches a caching system with a memory controller for processing read and write cache operations. Write-Allocate/Read-Invalidate (WA/RI) cache (48) responds to a read request by determining whether the requested data is found within the cache. If the data is found, the read invalidate operation/instruction occurs. Genduso et al. teaches that once the full requested cache line is sent to the CPU, memory controller (20) writes-back the requested WA/RI cache line to main memory and invalidates the requested cache line in the WA/RI cache (col. 8, line 67 – col. 9, line 17; Figs. 2 & 6). Thus, a cache line is invalidated (which necessitates that a valid cache line was accessed) and becomes available for replacement as having a reduced importance level when compared to that of a valid cache line.

However, contrary to the Examiner's assertion, the caching system of Genduso et al. does NOT "provide an instruction to access valid data in a cache and to indicate that a line storing the valid data in the cache is a candidate for replacement by reducing an importance level of the line after the valid data is accessed" as recited in claim 1.

(Emphasis added). In addition, the Genduso et al. system invalidates the cache line after the entire line has been sent to the CPU, this feature is totally opposite to claim 1, since the claimed instruction does not invalidate the valid data either before or after accessing

the valid data. Instead, the instruction reduces the importance level of the cache line so that the replacement policy in the cache can select the valid cache line for replacement based on the reduced importance level of the valid cache line.

Accordingly, the Examiner has failed to establish a *prima facie* case of anticipation, and withdrawal of the Section 102 rejection of independent claims 1, 9, 25 and 30, and the claims that depend, respectively, therefrom, is respectfully requested.

Applicant believes claims 1, 2, 5, 10, 25 through 27 and 30 are allowable and accordingly, issuance of a notice of allowance to that effect is respectfully requested.

#### **The 35 U.S.C. § 103 Rejection**

Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,778,422 to Genduso et al. "Claims 3 through 5, 11 through 13, 19 through 21, 28, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by over [sic] Genduso et al. (U.S. # 5,778,422) and Csoppenszky (U.S. # 5,802,422)." Although, the rejection is not clear on its face, since it appears from the location in the Office Action and use of the prior art references that this is actually a section 103(a) rejection, the rejection will be addressed here as a section 103(a) rejection. Claims 6, 7, 14, 15, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Genduso et al., Csoppenszky, and U.S. Patent No. 6,314,561 to Funk et al. Applicants respectfully traverse these rejections.

Regarding independent claim 17, which is a computer-readable medium claim of claim 1, for at least those reasons given above for claim 1, the Csoppenszky and Funk combination fails to teach or suggest: "providing an instruction to access valid data in a

cache and to indicate that a line storing the valid data in the cache is a candidate for replacement by reducing an importance level of the line after the valid data is accessed. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness, and withdrawal of the Section 103 rejection of claim 17 and claim 18 that depends therefrom is respectfully requested.

Regarding claims 3 through 7, 11 through 15, 19 through 23, 28 and 29, for at least those reasons given above for claim 1, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, withdrawal of the section 103(a) rejection of claims 3 through 7, 11 through 15, 19 through 23, 28 and 29 is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 3 through 7, 11 through 14, 15, 17 through 23, 28 and 29 is respectfully requested.

In view of the remarks submitted above, the Applicant respectfully submits that the present case is in condition for allowance or in better form for appeal.

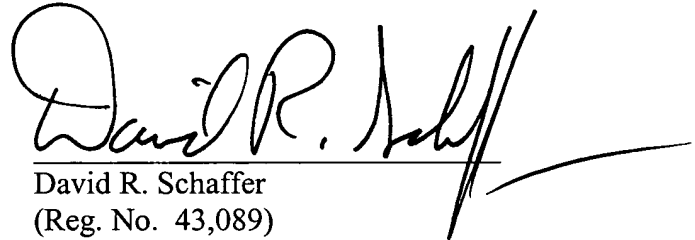
**CONCLUSION**

In view of the above amendments and remarks, the Applicant respectfully submits that the present case is in condition for allowance and respectfully requests that the Examiner issue a notice of allowance.

The Office is hereby authorized to charge any fees determined to be necessary under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon **Deposit Account No. 11-0600.**

The Examiner is invited to contact the undersigned at (202) 220-4263 to discuss any matter concerning this application.

Respectfully submitted,

  
David R. Schaffer  
(Reg. No. 43,089)

Dated: July 21, 2003

KENYON & KENYON  
1500 K Street, N.W.  
Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201